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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,153

05/04/2006

Holger Schanz

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52203 7590 10/02/2008

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EXAMINER

VALENTIN, JUAN D

ART UNIT

PAPER NUMBER

2877

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,153	Applicant(s) SCHANZ ET AL.	
	Examiner JUAN D. VALENTIN	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/04/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 05/04/2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8- rejected under 35 U.S.C. 102(b) as being anticipated by Deberne et al. (FR 2 781 576 A1 from IDS dated 05/04/2006, hereinafter Deberne).

Claims 8-11

Deberne in conjunction with Fig. 1 discloses a device for detecting dirt accumulation on a transparent covering pane 10 in front of an optical unit 18, the device comprising one or more elements 32 for coupling in light into the covering pane 10 lengthwise at a predetermined coupling-in point in a predetermined direction and that the light passes through the covering pane 10 lengthwise and an element 20 for detecting the proportion of light that reaches a

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predetermined light-decoupling point 34, wherein a degree of dirt accumulation is concluded from this proportion.

Deberne as can be seen in Fig. 1, further discloses reflection elements located opposite the light entry and exits side which reflect the illumination back along a separate return path to be detected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Deberne in view of Masaru Tanabe (EP 0927883 A1 from IDS dated 05/04/2006).

Claim 12

Deberne as applied above with respect to claims-8-11, discloses all the structural limitations of claim 12 except fails to show a the measurement light beam as being rotated so as to vary the angle of entry into the measurement object. Tanabe clearly shows that it is advantageous to pivot the input light entry angle in for a transparent substrate inspection apparatus (Fig. 1, 0039, 0064-0065). It would have been obvious for one of ordinary skill in the art at the time of the claimed invention to combine the device of Deberne with the measurement light beam angle of incidence angle adjustment means for the purposes of causing total internal reflection of the light beam inside of the measurement object (Tanabe, 0065).

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4. Claims 13-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Deberne in view of Tanabe and further in view of Rennert et al. (EP 0911231 B1 from IDS dated 05/04/2006, hereinafter Rennert).

Claims 13-14

Deberne as applied above discloses everything except the use of an opaque region on the edges of the transparent measurement object and that the system is in a motor vehicle. Rennert shows the use of an opaque edge section on the edges of a window pane under test (Figs. 1 and 2, col. 4, lines 9-37 and col. 7, line 3-15). It would have been obvious to someone of ordinary skill in the art at the time of the claimed invention to combine the stem of Deberne with the vehicular system and opaque edge region of Rennert for the purposes of determining the amount of rain and dirt accumulation on a central region of a vehicle windshield.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUAN D. VALENTIN whose telephone number is (571)272-2433. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Toatley, Jr./
Supervisory Patent Examiner, Art Unit 2877
10/3/2008

Juan D Valentin II
Examiner
Art Unit 2877

/JDVII/
September 29, 2008